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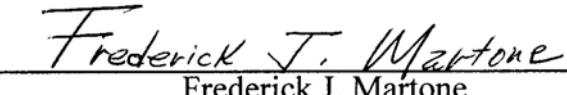
6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Fernando Jimenez-Santiz, ) No. CV-11-1551-PHX-FJM  
10 Petitioner, ) No. CR-10-1511-PHX-FJM  
11 vs. )  
12 United States of America, )  
13 Respondent. )  
14  
15 \_\_\_\_\_)

16 The court has before it petitioner's amended motion to vacate, set aside or correct  
17 sentence by a person in federal custody pursuant to 28 U.S.C. § 2255 (doc. 4), respondent's  
18 response (doc. 6), and the report and recommendation of the United States Magistrate Judge  
19 (doc. 7). No objections to the report and recommendation were filed and the time for doing  
20 so has expired.

21 The court accepts the recommended decision of the Magistrate Judge pursuant to Rule  
22 10, Rules Governing § 2255 Cases, and 28 U.S.C. § 636(b). Therefore, **IT IS ORDERED**  
23 **DENYING** the motion to vacate, set aside, or correct sentence (doc. 4). **IT IS FURTHER**  
24 **ORDERED** denying a certificate of appealability and leave to proceed *in forma pauperis* on  
25 appeal.

26 DATED this 20<sup>th</sup> day of September, 2012.

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Frederick J. Martone  
United States District Judge